

Attorney Dkt: 839-377
Runkle, Mark A. et al.
Serial No.: unknown (FWC of SN 08/550,941)
Group Art Unit: 2111

REMARKS

Entry of the preliminary amendments is respectfully requested.

After allowance of the parent case, Applicants received (in February 1997) an International and European Search Reports in corresponding and related international/foreign applications¹. Copies of those search reports are attached, as well as copies of references listed in those search reports which were not of record in the parent application.

Applicants have also learned of the recent issuance of US Patent 5,608,615 to Luce. A copy of the '615 Luce patent is provided herewith, as are copies of all references cited against the '615 Luce patent.

¹ PCT/US96/15215 (search reported dated 19 February 1997); EP96302752 (search reported dated 4 February 1997); EP96302582 (search reported dated 4 February 1997); and EP96302751 (search reported dated 4 February 1997).

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All references mentioned above are listed on the attached Form PTO-1449. Official citation and consideration of all the attached documents is requested. Please return to the undersigned a copy of the attached PTO-1449 with the examiner's initials in the left column [MPEP §609] with the next communication.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made [37 C.F.R. § 1.97(g)], an admission that the information cited is, or is considered to be, prior art or material to patentability. Moreover, the filing of this Information Disclosure Statement shall not be construed as a representation that no other material information exists. Further, the filing of an Information Disclosure Statement shall not be construed as an admission against interest in any manner [Commissioner's Notice of January 9, 1992, 1135 O.G. 12-25 at 25].

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With such recent developments, Applicants have not had an opportunity to assess fully the scope of claim coverage to which they are entitled. Applicants deem at least the protection sought by the presently amended claims to be justified, and reserve the right to file further claims of varying scope in either this or further applications.

By way of brief explanation, for the present Applicants have amended independent claim 1 to include the limitations of (now cancelled) dependent claim 3. Claims 9 and 11 have been rewritten as independent claims, including limitations of intervening claims. Independent claim 15 has been amended to include the limitations of (now cancelled) dependent claim 23. Claim 19 has been rewritten as independent claim. Independent claim 27 has been amended to include closed loop control limitations analgous to those in independent claim 25.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency

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of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE, P.C.



H. Warren Burnam, Jr.

Reg. No. 29,366

March 31 1997
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